

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN  
DERAILMENT

)  
) CASE NO. 4:23CV0242  
)  
)  
) JUDGE BENITA Y. PEARSON  
)  
)  
)  
) **ORDER**  
) [Resolving [ECF No. 441](#)]

Pending is a Joint Motion for Clarification Regarding Certain Case Deadlines ([ECF No. 441](#)), filed on April 2, 2024. For good cause shown, the motion is granted.

**I.**

On April 5, 2023, the Court, pursuant to [Fed. R. Civ. P. 42](#), consolidated 31 cases that had been filed regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order ([ECF No. 28](#) in No. 4:23CV0242). The Court also appointed Seth A. Katz, M. Elizabeth Graham, Jayne Conroy, and T. Michael Morgan as Co-Lead Counsel. The Order sets forth the responsibilities that Co-Lead Counsel, in consultation with the Members of the Executive Committee, shall have “on behalf of all Plaintiffs in this action and any additional related actions that are consolidated with this action (collectively, ‘the Action’).” [ECF No. 28 in No. 4:23CV0242 at PageID #: 565](#).

On March 8, 2024, Plaintiffs Patricia Almasy, Nina Aquino, Raeann Bankston, Holly Carroll, Alice M. Craft, Todd Craft, Kristine Croston, Robert Delposen, Glenn Dixon, John

Dryfuse, Brad Edwards, Olivia Foster, Oscar Gaunt, Karen Gilmore, Sarah Ann Graham, Debra Lee Gray, Dylan Hall, Randy Hogue, Elijah D. Holloway, Tammie Howarth, Laryssa Jackson, Nicole Jamison, James Jones, Patricia L. Kasserman, Timothy Lambright, Matt Liberty, Christopher Lucas, Linda McLaughlin, Nathan Miner, Albert L. Nahar II, Diana Nizer, Sheena Nolan, Patrick Palmer, Rocco Anthony Pietz, Ronald Prokop, Mark Richard, Ronald Roach, Donald Simmons, Penny Singleton, and Charles W. Will (“*Almasy* Plaintiffs”) filed Case No. 4:24CV0452, a related action, which is an individual non-class case.

On March 13, 2024, Case No. 4:24CV0452 was consolidated into Case No. 4:23CV0242 for pretrial purposes pursuant to [Rule 42](#). Case No. 4:24CV0452 was administratively closed. *See* Order ([ECF No. 425](#)).

## II.

The Railcar Defendants (*i.e.*, Trinity, GATX, General American, and OxyVinyls) and *Almasy* Plaintiffs move the Court for clarification regarding certain deadlines related to the complaint filed by *Almasy* Plaintiffs in Case No. 4:24CV0452 (“the *Almasy* Complaint”) because these parties disagree about the impact of an unambiguous Order ([ECF No. 425](#)) on the Railcar Defendants’ need to respond to the *Almasy* Complaint.

The Railcar Defendants’ understanding is correct. The First Amended Master Consolidated Class Action Complaint ([ECF No. 138](#)) is the operative complaint in the consolidated cases. There are no active affirmative pleadings other than [ECF No. 138](#) and Norfolk Southern’s Third-party Complaint ([ECF No. 119](#)) and, therefore, nothing to answer or otherwise respond to with respect to the *Almasy* Complaint. The Order resolving the Railcar Defendants’ Motions to Dismiss ([ECF No. 430](#)) applies equally to any motion to dismiss that,

absent consolidation, would have been filed by the Railcar Defendants with respect to the *Almasy* Complaint. Accordingly, there is no need for the Railcar Defendants to separately respond to the *Almasy* Complaint. Stated differently, the *Almasy* Complaint lies at rest in a closed case.

IT IS SO ORDERED.

April 9, 2024  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge